

Notice of Allowability	Application No.	Applicant(s)	
	09/808,830	MORIMOTO, NOBUYOSHI	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication of March 24, 2006.
2. ☒ The allowed claim(s) is/are 9,10 and 12-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 9, 10, and 12-15 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Brenda Holmes on June 12, 2006.

The application has been amended as follows: Claim 9 is hereby amended to read:

A digital distribution method comprising the steps of:

- providing a plurality of products for browsing over a network;
- receiving a selection by a product buyer of a desired product from a plurality of browsed products and a shipping charge for delivery of the product;
- receiving an order, from the buyer, for the product over the network;
- incorporating the digital contents representing content of the product into a control program controlling the digital contents;
- transmitting the control program to a computer over the network, thereby allowing access to the digital contents via the computer; and

Art Unit: 3625

sending the product to a physical address specified by the buyer so that the product arrives at the physical address when a required delivery period has elapsed from a time the order is placed, said required delivery period being determined based on said shipping charge;

wherein the control program erases the digital contents or the control program including the digital contents when a contents availability period has elapsed, said contents availability period being set in said control program and being longer than the required delivery period, thereby terminating the use of the digital contents.

Allowable Subject Matter

Claims 9, 10, and 12 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Rose (U.S. Patent 5,708,709), discloses a system and method for managing the distribution of licensed software over a network, including determining whether access conditions are satisfied, and if they are satisfied, transmitting a version of the software. Moreover, Rose discloses try and buy, with time bombs to disable a program after a time period has passed (column 1, lines 20-32). Bernard et al. (U.S. Patent 5,918,213) discloses remote selection, ordering, purchasing and delivery of music, video, software, and other multimedia products. It is well known for a delivery period to depend on a shipping charge (one can pay more for faster delivery, or less for slower and cheaper methods of shipping). However, neither Rose, Bernard, nor any other prior art of record discloses or makes obvious the detailed method of claim 9,

where a product is delivered to a physical address of a buyer so that the product arrives at the physical address when a required delivery period has elapsed from a time the order is placed, said required delivery period being determined based on said shipping charge, wherein the control program erases the digital contents or the control program including the digital contents when a contents availability period has elapsed, said contents availability period being set in the control program and being longer than the required delivery period.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 13-15 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Rose (U.S. Patent 5,708,709), discloses a system and method for managing the distribution of licensed software over a network, including determining whether access conditions are satisfied, and if they are satisfied, transmitting a version of the software. Moreover, Rose discloses try and buy, with time bombs to disable a program after a time period has passed (column 1, lines 20-32). Bernard et al. (U.S. Patent 5,918,213) discloses remote selection, ordering, purchasing and delivery of music, video, software, and other multimedia products. It is well known to specify a desired delivery charge or a shipping charge for a product. However, neither Rose,

Bernard, nor any other prior art of record discloses or makes obvious the detailed system of claim 13, wherein a control program erases the digital contents of a product when the contents availability period expires after transmission of a digital product, the contents availability period being longer than the desired delivery period or a required delivery period determined based on the shipping charge, and delivery control means delivers the product from the vendor to the buyer when the desired delivery period or the required delivery period has elapsed from the transmission.

The above has been written with particular reference to claim 13, but claims 14 and 15 contain parallel language, and are held to be allowable on essentially the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saigh et al. (U.S. Patent 6,633,877) disclose a method and apparatus for delivery of selected electronic works and for controlling reproduction of the same. Lewis (U.S. Patent Application Publication 2003/0040962) discloses a system for on-demand rental and purchase of digital data products. Yoshioka et al.

(U.S. Patent Application Publication 2005/0071272) disclose content sales period verifying system content decryption key effective period verifying system.

Paschal ("The State, Columbia, S.C., Computing Column") discloses shareware available on a try-before-you-buy basis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's current acting supervisor, Robert Pond, can be reached at 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

June 12, 2006